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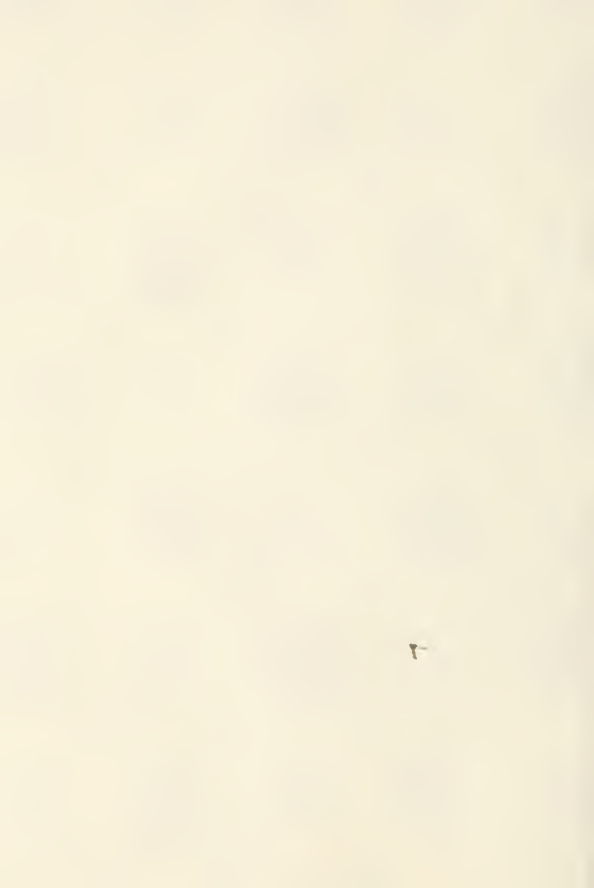
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SECESSION AN ABSURDITY :  
IT IS  
PERJURY, TREASON & WAR ;  
TO WHICH ARE ADDED  
TREASON DEFINED,  
Declaration of Independence,  
AND  
CONSTITUTION OF THE UNITED STATES.



BY FRANCIS C. TREADWELL,  
COUNSELLOR AT LAW,  
*Lecturer upon the Constitution of the United States.*

ROSS & TOUSEY, 121 NASSAU STREET, NEW YORK.

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SECOND EDITION, WITH ADDITIONS.



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BY FRANCIS C. TREADWELL,

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LECTURER UPON THE CONSTITUTION OF THE UNITED  
STATES.

SECOND EDITION, WITH ADDITIONS.

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Entered according to the Act of Congress, in the year 1861,  
By FRANCIS C. TREADWELL,  
In the Clerk's office of the District Court of the Southern  
District of New York.

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For F. C. Treadwell's complaint against the Traitors, with the "IMPROPER" remarks of Chief Justice Taney, see page 15, under "Notes by the Author."

Gift

W. L. Shoemaker

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## SECESSION AN ABSURDITY.

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The letter-writers from Washington tell us that President Buchanan is not opposed to Secession, but will resist Nullification. But how Secession can be brought about without Nullification, they do not explain. The Constitution of the United States in its enacting clause declares that—

“We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

This clause is not a preamble, as sometimes it has been called; but it is the *enacting clause*, the head and front, the life and soul of the Constitution. It is the only part of the instrument which proclaims to us and to the world whose act and deed it is. The States, as such, did not make the Constitution, nor can they, as States, secede from it, nullify it, or abolish it.

The PEOPLE of the United States made, *ordained* and established the Constitution, and they only can change it in the mode provided therein, or abolish it.

Neither the State of South Carolina, nor Georgia, nor all the people in both of them, with or without the unanimous consent of half a dozen adjoining States, and all the people therein, can alter, secede from, nor nullify the Constitution. They may think about it, and talk about it, and may *intend* to

do it, and may even go so far as to write and publish their intentions, but the moment they proceed to *acts*, to carry such intentions into effect, by raising "troops or ships of war," or emitting bills of credit, in order to provide such supplies, or pay land or naval forces, they commit the crime of treason; and that moment the President of the United States for the time being will, if he performs his duty, and regards his oath of office as obligatory upon him, send the whole naval and military power of the United States, militia and all, if need be, to suppress the treason, and bring the traitors to condign punishment.

In that case, there will be no legal distinction of offending persons. Governors and senators, judges and generals, will meet the traitor's doom alike with the deluded subordinates who may be drawn into the fray by the delusive arts and sophistry of corrupt, ambitious leaders. If mercy shall be extended to any, the followers, rather than the leaders, will be likely to reap the benefit of it. Civil officers of the United States, who shall be impeached for and convicted of treason and other crimes, can obtain no relief from Executive interposition by way of reprieve or pardon.

The advocates for secession, seem to claim that the Union is a mere Confederacy, or league of sovereign States, from which any one of them can withdraw at pleasure. Nothing can be more false and delusive. The Union is *not* a Confederacy, neither of sovereign nor of subordinate States, but a Constitution of Government by and for the people, the whole people of the United States, as declared by the enacting clause of the Constitution. Limited, indeed, by its terms, but yet a great and powerful

Government, ordained and established for great and glorious ends.

The several separate States are not sovereign. No one of them is sovereign. A sovereign State can declare war and make peace—can enter into treaties, alliances or CONFEDERATIONS; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts, and do many other acts. Our States are, by the Constitution, positively prohibited from doing either of these, and many other acts. In many respects they are under the guardianship of the Congress of the United States. For instance—

“No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, &c., and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress lay any duty of tonnage, keep troops or ships of war in time of peace, enter into *any* agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.”—Con. U. S., Art. 1, S. 10.

How preposterous, then, is it to call States bound down by stringent provisions like these, sovereign States, and talk of and threaten secession, nullification and war, when the first actual movement they may make in preparation for either, will be an act of treason against the United States.

The States of South Carolina and Georgia, if the accounts we receive from them are not idle rhodomontade, upborne by equally idle blusterings here, are now contemplating, and preparing for, what they call a *peaceful* secession. Their preparations for war belie their peaceful professions. They can-

not be so ignorant as not to know that there can be no such thing as peaceful secession without an amendment of the Constitution, which would require the concurrence of twenty-six States at least, in the mode prescribed by the Constitution. This, or a successful revolutionary war, is the only alternative.

The former is manifestly an utter impossibility. Can men in their senses be so blinded by their resentment at what they deem an untoward result of the election of a President under the forms of the Constitution, as to peril all they now possess by a revolutionary war, for what they are pleased to call Southern independence? States with a servile population equal, or nearly equal, in numbers, to the ruling class, ought to be, and doubtless will be, guided by more prudent counsels. They do not, they cannot, mean to do what they threaten to do; but they intend, by continual menaces, to extort, if possible, some concessions from Northern fears.

Threats during an exciting canvass for a Presidential election have been unavailing to prevent the election of Mr. Lincoln, and if the President elect is the man his friends believe him to be, threats during his Administration will be of as little avail. All the rights of the people of each and every State in the Union will, it is hoped and believed, be duly guarded and secured, the laws duly executed, and the Constitution preserved, protected, and defended.

Threats of Southern governors, legislators, and politicians, to tax the productions of Northern States, indicate the impotence of the men who make them, and their ignorance of the Constitution.

"No tax or duty shall be laid on articles exported from any State."—Con. U. S., Art. 1, Sec. 9, ¶ 5.

Thus, it is seen that the South has no more power to lay duties on Northern productions, than the North has to tax cotton, rice, or tobacco.

Again, they threaten to break up our system of finance—to compel us to buy of them for ready money, and to sell to them on credit. The former they can do with advantage to both parties. The latter will require our consent as well as theirs. Let them adhere to their present plan of exacting gold for their cotton, and drawing from us their present balances in gold. They will thereby benefit us in two ways. First, by reducing the prices of their exports, and secondly, by reducing the volume of our inflated currency, give our manufactures and other exports a more substantial protection than all the tariffs, high and low, that Congress ever enacted. It is much to be desired that the South will adhere to this improved financial course of action, and derive from it equal profit with the North.

With all their boasted State Rights and State Sovereignty, the Southern States have no power to regulate commerce. They must submit to such commercial regulations as Congress, under the Constitution, have made, and may hereafter prescribe. In the Convention of 1787, Gen. Charles Cotesworth Pinckney, of South Carolina, said :

“ It was the true interest of the Southern States to have no regulation of commerce ; but considering the loss brought on the Eastern States by the Revolution, *their liberal conduct toward the views of South Carolina*, and the interest the *weak* Southern States had in being united with the *strong* Eastern States, he thought it proper that no fetters should be imposed on the power of making commercial regulations, and that his constituents, though prejudiced against the Eastern States, would be reconciled to this liberality. He had, himself, he said, prejudices against the Eastern States before he came

here, but he would acknowledge that he had found them as liberal and candid as any men whatever."

Madison Pap. 1451.

Mr. Charles Pinckney, one of the colleagues of Gen. P., had moved that the assent of two-thirds of the members of each House should be required to pass commercial regulations, and this speech of the Gen. was the first response to that motion.

After full debate, the motion of Mr. C. Pinckney was negatived, and the majority principle unanimously agreed to, as advocated by Gen. C. C. Pinckney.

It would be an act of madness, of political suicide for the *weak* Southern States to secede from the *strong* Eastern States. Relatively, the former are now weaker, and the latter stronger, than they were at the time of the adoption of the Constitution. Beside, the WESTERN States, not then in existence, are now stronger than either. In vain will the truant seceders of South Carolina and Georgia look to Louisiana and other States bordering on the Mississippi, for alliance, aid or comfort in treasonable secession. In vain will they seek to shut up or control the mouths of the Father of Waters. His young and vigorous children of the mighty West would come down in an avalanche, upon the slightest attempt to tax their trade, or interrupt their intercourse with the commercial world through that channel, and shatter and scatter to the winds all opposition.

"No State shall enter into *any* treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder or *ex-post facto* law, or law impairing the obligation of contracts; or grant any title of nobility."—Con. U. S., Art. 1, Sec. 10.

Are the seceders ignorant of these vital provisions of the Constitution? Do they not know that its object was to restrain them from war, or preparations for war, on their own account, and bind them to peace? War is the prerogative of Congress, not of the States. If the States shall attempt to make, or carry on war, by means raised on their State bonds, which are nothing but bills of credit, Congress can and must stop their circulation, by passing penal acts upon the persons who put them out, or deal in them.

When States threaten secession and war, and enlist troops, and collect means to carry on war, Congress are bound to crush the treason in the bud. To prevent the war from breaking out, as well as to conquer the active foe. And the cheapest way to do it is to prevent the insurgents from raising money, the sinews of war. Congress itself, in such cases, will need to borrow money on the credit of the United States, which they are authorized to do, and will then be compelled, in self-defense, to prohibit the States from competition with the United States in the money markets. Even now, States that want money for internal improvement cannot raise it on their "bills of credit," without sacrificing from a fourth to a third part of the face of them. What the sacrifice must be when the bills shall be offered for war sinews, will be seen when, if ever that occasion shall arise.

*New York, Nov. 20, 1860.*

## REPUBLICAN CENTRAL CLUB.

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The Republican Central Club met on Thursday evening, Jan. 10th, in their new quarters, No. 814 Broadway, T. G. GIRVAN in the chair.

Mr. F. C. TREADWELL offered the following :

*Whereas*, A band of traitors in the Cabinet at Washington, in both Houses of Congress, and in several of the Southern States of this Republic, have made war against the United States ; have seized forts, arsenals, and other public property ; robbed the treasury, obstructed the telegraph, and committed other acts of violence, in combination and conspiracy against the people of the United States, and their Constitution of Government, for the purpose of introducing Slavery temporarily or permanently into every State and Territory of this Union ; therefore,

*Resolved*, That the Constitution as it is, provides the most perfect system of government known to man ; that it needs no amendment, and shall have none, at the beck and call of traitors, or their insolent mouth-pieces.

*Resolved*, That we hold ourselves ready, and tender our services to the State, or the National Government, or both, to aid to the extent of our power in crushing this formidable and wicked rebellion ; determined, at all hazards, that the Constitution shall be "preserved, protected, and defended," peace restored, and the blessings of liberty, of liberty of speech and the press, fully and amply vindicated and secured.

THOMAS G. GIRVAN, Chairman, *pro tem*.

ALFRED C. HILLS,  
EDWARD M. SKIDMORE, } Secretaries.

The resolutions were put and carried, amid shouts of applause, and ordered to be published.

Gen. NYE was loudly called for, and made a speech counseling firmness on the part of the Republicans, and a determination to do right.

## NOTES BY THE AUTHOR.

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In the Federal Convention of 1789, which drafted the Constitution of the United States, a motion was made that the then existing constitutions and laws of the several States should be guaranteed by the general Government. This was objected to and overruled. Mr. Gouverneur Morris said he would not guarantee such laws as those of Rhode Island.

In the fifteenth year of the reign of Charles the Second, King of England, that monarch, of his royal "will and pleasure, especial grace, certain knowledge, and mere motion," as is stated therein, granted a charter to Benedict Arnold, and others, declaring them "from time to time, and forever hereafter, a body corporate and politic, in fact and name, by the name of The Governor and Company of the *English* Colony of Rhode Island and Providence Plantations, in New England, in America; and that by the *same name*, they and their successors shall and may have perpetual succession," &c.

The Constitution of the United States went into operation in 1789. Rhode Island, taking no part in framing or ratifying it, was treated as a foreign State, and duties were laid upon her manufactures when imported into the States of the Union.

On the 29th of May, 1790, a Convention of the State assembled at Newport, and ratified the Constitution of the United States, proposing certain amendments, which were never adopted. For fifty

years or more, the State continued to be governed more by the charter of Charles than by the principles of a republican form of government, until the year 1841, when, after much discussion, a constitution was framed and ratified by the votes of a majority of the people, and a governor. Thos. W. Dorr, was elected under it. Scenes of turmoil and some violence ensued, and Gov. Dorr fled from the State ; but returning, was indicted for treason against the State of Rhode Island, tried at Newport, convicted, and sentenced for life to hard labor in the State's prison, in separate confinement.

Here a conspiracy was formed by all the branches of the government of the State of Rhode Island and the inspectors of the prison, to prevent Dorr from taking his case, by writ of error, to the Supreme Court of the United States for revision ; and under this conspiracy, neither Dorr's father, mother, counsel, nor friends, were, for a long time, permitted to visit him, lest they should give him an opportunity to see and sign a petition for a writ of error.

Under these circumstances, prompted by feelings of humanity, the Society of Land Reformers in New York, an association formed for the advocacy of the freedom of the public lands to actual settlers and land limitation, called a meeting of their body to inquire, and, if possible, to ascertain if any means could be devised to break up this conspiracy, and give Dorr an opportunity to regain his liberty by a revision of his case.

At that meeting, the short article entitled *Treason Defined*, which, on the pages of this little book precedes the Declaration of Independence, was read by one of the members. The main object was to show

that under the Constitution of the United States, there could be no such crime as treason, committed against a separate or single State of this Union. War against a State, is war against the United States. The act must be treason against the United States, or it cannot be treason at all.

The article when read before the Society was not intended for publication, but only for the private use of the members thereof. Deeming a pocket copy of the article, with the Declaration of Independence and the Constitution of the United States convenient, if not indispensable, for reference, an edition of several thousand copies was published and mostly distributed gratuitously.

Now that treason against the United States is rife in several States of this Union, advocated and defended by men who have long held prominent positions as statesmen, and has done its utmost to plunge the country into the horrors of civil war; preparations have been made, by stereotyping, to publish both small and large editions of this work, in form for a pocket companion. Everybody ought to have at hand a copy of the Declaration of Independence and the Constitution of the United States, and everybody ought to be familiar with their principles. They are drawn up in such plain language, that, with a little instruction, most school-boys and girls of ten or twelve years of age may understand them.

The definition of treason in the words of the Constitution is so short and so plain, that for an American citizen to be ignorant of it, should be held to be inexcusable. The crime of misprision of treason, it is to be apprehended, is far less known, and the importance of a knowledge of it is much less appre-

ciated than the interests and safety of the country demand.

Is it not undeniable that the crime of treason against the United States has been committed by one or more members of the Cabinet at Washington, and by many members of Congress? Is it not evident that other members of the Cabinet and of Congress must have had knowledge of the commission of these treasons? And yet, who, among them all, have complained of these treasons to the President, to a Judge of the United States; to a Governor, or to a Judge or Justice of a State, in order that those magistrates should, as in duty and in oath bound, to institute proceedings against the traitors, and crush treason in the bud?

If any one has done this, let him answer. If any one has failed to do it, let him, if he can, show the reason why. Are any ignorant of the law? If so, is that a valid excuse for a Cabinet member, a member of Congress, or even a private citizen?

Does any one conceal treason for fear of being called by an opprobrious epithet, an INFORMER? Point out the man, and you point to a felon, who, at least, is half traitor—to one who, when he sees a thief, consents with him.

Where is the moral sense of the people of Washington, the capital of the Republic, of the members of the Cabinet, and of Congress; of the people of the United States, when TREASON stalks abroad in six States of the Union, and finds sympathizing aiders and abettors in, at least, as many more, and no traitor is brought to the bar of justice? Where? Echo answers, where?

Congress has power “to exercise exclusive legislation, in all cases whatsoever over” the district of

Columbia. What laws govern that Capital? The laws of Congress, or the laws of the thief, the gambler, the assassin, and the traitor?

Is the Constitution regarded as law, and in operation there?

What magistrates and what officers bear rule or ruin there? Are they honest? Are they capable? Are they faithful to the Constitution? Ask members of Congress these questions, and it is doubtful if one in ten of them can give any other answers than that they don't know.

How many members of the present Congress, who have sworn to support the Constitution, have gone off to the so-called seceding States, and committed both perjury and treason? And what effort has the present Administration of the Government made, to bring the offenders to justice? These are serious questions, and if the present Administration is permitted to go off disregarding them, the incoming Administration will have a heavy and thankless task thrown upon it, to guard the country against the consequences of the evil deeds of its immediate predecessor. Will the members of the new Administration do their duty? We shall see? The people expect it of them, and, at the conclusion of their labors, will be happy to have it in their power to say, and say truly, "Well done, good and faithful servants!" *New York, March 4, 1861.*

The following is a true copy of F. C. Treadwell's complaint against the Traitors, which was placed in the hands of Chief Justice Taney, on the 19th of January, 1861. On the 22d the paper was returned by Mr. Carroll, the Clerk of the Court, who stated that he was directed by the Chief Justice to return the papers to the complainant, and to say to him—"that they were improper papers to be presented to the Court." Let the lawyers and the public, after reading the laws upon Treason and Misprision of Treason, decide which was "improper," the complaint, or its return by Judge Taney.

*District of Columbia, City and County of Washington, ss :*

I, Francis C. Treadwell, of the City, County and State of New York, a counsellor of the Supreme Court of the United States,

on solemn affirmation, complain and state as facts of public notoriety,

That divers citizens hereinafter named, of South Carolina and other States of this Union, and other persons to this affirmant unknown, owing allegiance to the United States of America, have conspired against the Constitution and Government thereof, and have committed the crimes of misprision of Treason, Treason, and other high crimes and misdemeanors, against the peace, welfare and dignity of the said United States, and the people thereof, and the Constitution and laws of the United States, in such case made and provided :

*To wit :* James H. Hammond, James Chestnut, J. W. Hayne, John McQueen, W. Porcher Miles, Lawrence M. Keitt, Milledge L. Bonham, John D. Ashmore, William W. Boyce, James L. Orr, *all of the State of South Carolina.*

*Also,* Jefferson Davis, Jacob Thompson, Albert G. Brown, Lucius Q. C. Lamar, Reuben Davis, William Barksdale, Otho R. Singleton, John J. McRae, *all of the State of Mississippi.*

*Also,* Benjamin Fitzpatrick, C. C. Clay, Jr., James A. Stallworth, James L. Pugh, David Clopton, Sydenham Moore, W. R. W. Cobb, Jabez L. M. Curry, *all of the State of Alabama.*

*Also,* D. L. Yulee, S. R. Mallory, George S. Hawkins, *all of the State of Florida.*

*Also,* Lewis T. Wigfall, John Reagan, John H. Hemphill, *all of the State of Texas.*

*Also,* Joseph Lane, *of Oregon.*

*Also,* James M. Mason, Robert M. T. Hunter, Henry A. Wise, John B. Floyd, Roger A. Pryor, *all of the State of Virginia.*

*Also,* Judah P. Benjamin, John Slidell, Miles Taylor, Thomas G. Davidson, John M. Landrum, *all of the State of Louisiana.*

*Also,* Robert Toombs, A. Iverson, Peter E. Love, Martin J. Crawford, Thomas Hardeman, Jr., Lucius J. Gartrell, J. W. H. Underwood, James Jackson, John J. Jones, Howell Cobb, *all of the State of Georgia :*

Wherefore this affirmant prays, that the persons herein above named, and all other persons guilty of the like crimes and misdemeanors, may be arrested and held to answer for such offences, at the Supreme Court of the United States, or at such other tribunals as the Hon. Roger B. Taney, Chief Justice of that Court, or either of the Associate Justices of that Court, or any other Magistrate of the United States may direct and order : and that the Honorable James Buchanan, Honorable Jeremiah S. Black, Honorable Joseph Holt, Lieutenant General Winfield Scott, and such other witnesses as may have knowledge of the commission of the crimes aforesaid, may be duly summoned and held to testify in the premises. F. C. TREADWELL.

To the Honorable Roger B. Taney, Chief Justice, the Hon. John McLean, and other Associate Justices of the Supreme Court of the United States.

Affirmed to before me, the subscriber, a Justice of the Peace in and for said County and District. B. W. FERGUSON, JR.

Washington, District of Columbia, January 19th, 1861.

# TREASON DEFINED:

BY

FRANCIS C. TREADWELL,

COUNSELLOR' AT LAW, AND LECTURER UPON THE  
CONSTITUTION.

---

TO WHICH ARE ADDED, THE

DECLARATION OF INDEPENDENCE,

AND THE

CONSTITUTION

OF

THE UNITED STATES.

---

NEW YORK:

PUBLISHED AT THE PEOPLE'S RIGHTS OFFICE,  
29 ANN-STREET.

1844.

*Price 10 cents*

## PREFACE.

THE definition of Treason, in Art. 3, sec. 3, of the Constitution of the United States, though brief, would seem to be sufficiently explicit without a commentary. The idea that the crime of treason can, in a single sovereign nation, be committed against twenty-seven sovereign powers, seems too extravagant to need refutation. But since the several States have their acts upon treason, and since one of the purest and best men in one of them is now under sentence of solitary imprisonment for life for an alleged offence against one of these acts, a feeling of humanity, no less than of watchful vigilance for liberty, demands of every friend of free government, an impartial examination of the validity of such a procedure.

To diffuse the Constitution itself in a form convenient for the pocket of every individual, is deemed to be the best mode of making known the "supreme law of the land." If this attempt to expose the abuse of one of its important provisions shall be received with favour by the public, other similar abuses may hereafter be sought to be corrected in the same manner.

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Entered, according to Act of Congress, in the year 1844,

By FRANCIS C. TREADWELL,

In the Clerk's Office of the District Court of the Southern District of New York.

## TREASON DEFINED.

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WHAT is treason? What is the punishment of that crime?

The Constitution of the United States, "the supreme law of the land," thus, in a few words, defines the crime of treason:

"Treason against the United States, shall consist ONLY in levying war against *them*, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of *two* witnesses to *the same overt act*, or on confession *in open court*." Art. III. Sec. 3.

The next sentence empowers Congress "*to declare the punishment of treason*."

"The Congress shall have power to declare the punishment OF TREASON, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted."

In pursuance of this power, the Act of Congress of the 30th April, 1790, declares:

"If any person or persons, *owing allegiance* to the United States of America, shall levy war against them, or shall adhere to their enemies, giving them aid and comfort, *within the United States, or elsewhere*, and shall be thereof convicted, on confession in open court, or on the testimony of two witnesses to the same overt act of treason whereof he or they shall stand indicted,

such person or persons shall be adjudged guilty of treason *against* the *United States*, and shall suffer death.

“ If any person or persons, having knowledge of the commission of any of the treasons aforesaid, shall conceal, and not, as soon as may be, disclose and make known the same to the President of the United States, or some one of the judges thereof, or to the president or governor of a particular State, or some one of the judges or justices thereof, such person or persons, on conviction, shall be adjudged guilty of *misprision* of treason, and shall be imprisoned not exceeding seven years, and fined not exceeding one thousand dollars.”

What is “levying war?”

To collect, enrol, or enlist men, take up arms, and make a forcible attack, is to levy war. An overt act, is an open, public, apparent act.

What, then, is levying war against the *United States*? An overt act of war against *any one* of the United States, territories, districts or fortresses, is an act of war against the *United States*. As much so as an attack upon each and every one of them. Indeed it *is* an attack upon each and every one of them, in their highest, their dearest, their collected, their *united* character.

How then can the crime of *treason* be committed against a single State, in its separate distinct capacity? Most certainly it cannot. The act will be treason against the *United States*, or it cannot be treason at all. The people of the United States have, in their Constitution, in the brief and forcible words quoted above, declared in what, and *ONLY* in what, the crime of treason shall consist. They have therein declared upon what evidence, and *only* upon what evi-

dence, conviction shall be had, and have authorized Congress, under a strict limitation, to declare the punishment of treason.

Congress has decreed the punishment of DEATH against all persons who commit the crime of treason. How then *can* a single State fritter down a crime committed against the *United* States to an offence against itself alone, and commute the punishment of death for that of imprisonment for life; grant a reprieve, or a full pardon? Under the Constitution of the United States, this cannot be done, nor can it take place without a gross violation of that sacred fiat of the American people.

The courts of a State in which a person might be accused of committing treason, would not be likely to afford the accused an impartial trial. Hence the law of Congress quoted above, has made it the duty of all "persons having knowledge of the commission of *any* of the treasons aforesaid," as soon as may be, to "disclose and make known the same to the President of the United States," or to some other officer sworn to support the Constitution thereof. And why? Manifestly because the Courts of the United States are the only *proper* or *lawful* tribunals in which the accused could be tried. Persons having such knowledge, and concealing it, or not disclosing it to the proper officers, are, by the law of Congress aforesaid, declared to be guilty of *misprision* of treason, and liable to imprisonment and fine.

Suppose an overt act of war, by persons owing allegiance to the United States, should be committed in the State, or in the City and County of New York, and the persons having knowledge thereof should conceal it; or, instead of promptly giving notice to the ex-

ecutive or judicial magistrates as provided by the law of Congress, should prefer a complaint to the Grand Jury of the City and County of New York ; would not such persons be guilty of *misprision* of treason ? The Grand Jury are not the magistrates referred to in the Act of Congress. It may be that not one of them is a magistrate or justice at all. It might be that some of the traitors would be in the panel, and that they would resort to this course to mitigate their punishment in case of conviction, or, what is more probable, to suppress all inquiry into their crimes.

The Constitution of the United States, Art. 5 of the amendments, declares—"Nor shall any person be subject for the *same offence*, to be twice put in jeopardy of life or limb ;" "nor be deprived of life, liberty, or property, without due process of law."

If the same overt act be both treason against a *single* State, and treason against the *United* States, a person having committed that act, *might* "be subject, for the same offence, to be *twice* put in jeopardy of life" or liberty.

The Revised Statutes of New York impose the penalty of death upon "every person who shall be convicted of treason against the people of this State." Some persons in Rhode Island send a man to prison for life, for having, as they say, committed treason against that State. A man convicted in either of those States, and sentenced for treason against *the State*, might be pardoned by the Governor thereof, and immediately thereafter, for the same act, might be indicted, tried, convicted, sentenced to death, and executed, by the authority of the United States. Neither the indictment, trial, conviction, sentence, nor pardon, of the authorities of New York, for treason by

an overt act of war against the State of New York, could be received in the Courts of the United States as a plea in bar of an indictment for treason against the *United States*, found against a person for the commission of the same act of offence. It would no more be a valid plea, than would an act of the mobs of Kensington or Southwark. Nor can such an unwarrantable assumption of power by a State, have the slightest claim to be considered as "due process of law." It would be difficult to conceive of a more atrocious perversion of that constitutional shield of individual property, liberty, and life, than to raise the act of a mob, or the unlawful assumption of power by a State, to the dignity of "due process of law."

An extract from Story's Commentaries upon the Constitution, being the last paragraph of the author's remarks upon the power of Congress to punish treason, is deemed to be an apposite conclusion of this subject. The extract sufficiently indicates, that it is not within the scope of the mind of the learned jurist and commentator, to conceive the possibility of the existence of a case of treason, committed against a State, under the Constitution, which *is not* at the *same time*, treason against the United States.

"The power of punishing the crime of treason against the United States is exclusive in Congress; and the trial of the offence belongs exclusively to the tribunals appointed by them. A State cannot take cognizance, or punish the offence; whatever it may do in relation to the offence of treason, committed exclusively against itself, *if indeed* any case *CAN*, under the Constitution, *exist*, which is not, *at the same time*, treason against the *United States*." 3d Story's Com. on Const. § 1296, p. 173.

## DECLARATION OF INDEPENDENCE.

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WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence indeed will dictate, that governments long established should not be changed for light and transient causes, and accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object,

evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object, the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into a compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasion on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise: the state

remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these states ; for that purpose obstructing the laws for naturalization of foreigners ; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of new officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws, giving his assent to their acts of pretended legislation.

For quartering large bodies of armed troops among us.

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states.

For cutting off our trade with all parts of the world.

For imposing taxes on us without our consent.

For depriving us, in many cases, of the benefits of trial by jury.

For transporting us beyond seas to be tried for pretended offences.

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies.

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments.

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarce paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation !

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms ; our repeated petitions have been answered only by repeated injuries. A prince whose character is thus marked by every

act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connection and correspondence. They too have been deaf to the voice of justice and consanguinity. We must therefore acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, That these united colonies are, and of right ought to be **FREE AND INDEPENDENT STATES**; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain, is, and ought to be, totally dissolved; and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honour.

# CONSTITUTION

## OF THE

# UNITED STATES.

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We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America :

### Article I.—CONGRESS.

#### SECTION I.—*Legislative Powers.*

1. ALL Legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

#### SECTION II.—*House of Representatives.*

1 The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included

within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island* and *Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

#### SECTION III.—Senate.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the ex-

piration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments, until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments: when sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION IV.—*Election of Members.*

1. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.—*Powers of each House.*

1. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall without the consent of the other adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION VI.—*Compensation—Privileges, &c.*

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to or returning from the same: and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have been increased during such time: and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION VII.—*Bills and Resolutions, &c.*

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose, or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if ap-

proved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days [Sundays excepted] after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States ; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

#### SECTION VIII.—*Powers of Congress.*

1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States ; but all duties, imposts, and excises shall be uniform throughout the United States :

2. To borrow money on the credit of the United States :

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes :

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States ;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures :

6. To provide for the punishment of counterfeiting the securities and current coin of the United States :

7. To establish post offices and post roads :

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries :

9. To constitute tribunals inferior to the supreme court :

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations :

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years :

13. To provide and maintain a navy :

14. To make rules for the government and regulation of the land and naval forces :

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions :

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress :

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings :—And,

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

#### SECTION IX.—*Prohibitions and Privileges.*

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or ex post facto law shall be passed.

4. No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over

those of another : nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the Treasury but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States : and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECTION X.—*State restrictions, &c.*

1. No State shall enter into any treaty, alliance or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make any thing but gold and silver coin a tender in payment of debts ; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States ; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact

with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## Article II.—PRESIDENT.

### SECTION I.—*Election for President.*

1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows :

2. Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress: but no Senator or Representative, or person holding any office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted: The person having the greatest number of votes for President, shall be the

President, if such number be a majority of the whole number of electors appointed ; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the house of representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President.

4. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the Vice-President : a quorum for the purpose shall consist of two-thirds of the whole number of senators : a majority of the whole number shall be necessary to a choice.

5. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

6. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes ; which day shall be the same throughout the United States.

7. No person except a natural born citizen, or a citi-

zen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of President, neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

8. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

9. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

10. Before he enters on the execution of his office, he shall take the following oath or affirmation:—

“ I do solemnly swear, (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the constitution of the United States.

#### SECTION II.—*Powers of the President.*

1. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of

the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

#### SECTION III.—*Duties of the President.*

1. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers: he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.—*Impeachment of Officers.*

1. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

**Article III.—JUDICIARY.**SECTION I.—*Courts—Judges.*

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation which shall not be diminished during their continuance in office.

SECTION II.—*Judicial Powers—Civil—Criminal.*

1. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states—between a state and citizens of another state—between citizens of different states—between citizens of the same state claiming lands under grants of different states—and between a state, or the citizens thereof, and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original juris-

diction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

#### SECTION III.—*Treason.*

1. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

### Article IV. — STATE RIGHTS.

#### SECTION I.—*Restitution and Privileges.*

1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

#### SECTION II.—*Privilege of Citizens.*

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labour in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

#### SECTION III.—*New States.*

1. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the Legislatures of the states concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States: and nothing in this constitution shall be so construed as to prejudice any claims of the United States or of any particular state.

#### SECTION IV.—*State governments, Republican.*

The United States shall guaranty to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence. •

**Article V.—AMENDMENTS.**

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the Legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes, as part of this constitution, when ratified by the Legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

**Article VI.—DEBTS.**

1. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several state Legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be

bound, by oath or affirmation, to support this constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

### Article VII.—RATIFICATION.

The ratifications of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America, the twelfth. In witness whereof we have hereunto subscribed our names.

GEO. WASHINGTON,  
President and Deputy from Virginia.

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### AMENDMENTS.

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several states, pursuant to the fifth article of the original Constitution.

Art. 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech or of the press ; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

2. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

3. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

4. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

5. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

6. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

7. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury

shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

9. The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

10. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

11. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.



*From SHELBYVILLE, TENNESSEE.*

The people have risen in their strength to put down the vile serpent of *Secession*, which would wind its slimy form around our people and crush out every patriotic feeling in their bosoms. Tennessee has shown that she will *not* be led astray by the delusive eloquence of political demagogues and intriguing office-seekers. In our State "freedom of speech" is beginning to be *respected*. A man can express his opinion of Slavery *pro* or *con* with no fear of being molested by fanatical fire-eaters. From indications shown during the last three weeks, I think that I can safely say that in the next four years a Republican ticket in this State will make an excellent run. I know that this county will give a majority in favor of a Republican. A man need only show his hand, and stick up to it, and he will succeed. Let a man run in this State with the principle inscribed on his banner that "*All men are created free and equal*," and he will get a majority in four years from now. I have heard many substantial men say, during the last month, that they would "*willingly, cheerfully, give up every negro (they had them), if it would save the Union.*" There are many men in this State who are patiently waiting for the right opportunity to declare their abhorrence and detestation of the horrible "moral and social evil" which now exists in the South. There is a report extant here saying that a bill is about to be, or was, introduced by a member of Congress to purchase the slaves in Tennessee, and make her a Free State. It is useless to expend money in that way, for the time is not far distant when Tennessee will open her eyes, and see the great sin of Slavery. I pray God that that time will soon come. Stand to your principles, and trust in God.

If coercion is attempted (and it ought to be), there are thousands in Tennessee who will fight for this glorious Union. There is a Union flag floating above our town. It is saluted each night by a Union company. Three-fourths of the people of this county will vote for the total abolition of Slavery rather than have this Union dissolved.







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BOOKBINDING  
Grantville, Pa.  
Jan - Feb 1989  
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